

## **REMARKS**

Applicants respectfully request reconsideration of the present application. Upon entry of the above amendment, claims 1-17 as originally filed are cancelled, and new claims 18-27 remain pending. Applicants reserve the right to pursue the cancelled claims, or similar claims, in another application.

### **Information Disclosure Statement**

The Office Action indicates that a copy of the 1997 “Curb inlet filter” publication was not received with the Information Disclosure Statement. Applicants submit that a copy of the document was originally filed with the Information Disclosure Statement. A second copy of the document is provided herewith.

### **Rejection of Claim 10 Under 35 U.S.C. § 112, Second Paragraph**

Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants urge that this basis of rejection is moot in view of the cancellation of claim 10 herein. Consequently, Applicants request withdrawal of this rejection.

### **Rejection of Claims 1-3, 8-11 and 14 Under 35 U.S.C. § 102(b)**

Claims 1-3, 8-11 and 14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by the “Curb Inlet Filter” document. Applicants urge that this basis of rejection is now moot in view of the cancellation of the these claims herein and request withdrawal of this rejection.

**Rejection of Claims 4-6 and 13 Under 35 U.S.C. § 103(a)**

Claims 4-6 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the “Curb Inlet Filter” document. These claims have been cancelled herein and, thus, this basis of rejection is now moot. Withdrawal of this rejection is now appropriate.

**Rejection of Claims 1, 2, 8 and 9 Under 35 U.S.C. § 102(b)**

Claims 1, 2, 8 and 9 have been rejected under 35 U.S.C. § 102(b) as being unpatentable over U.S. Patent No. 5,954,952 to *Strawser*. Since these claims have been cancelled herein, this rejection is now moot. As a result, Applicants request withdrawal of the rejection.

**Rejection of Claims 3-5, 7, 11, 12 and 14 Under 35 U.S.C. § 103(a)**

Claims 3-5, 7, 11, 12 and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Strawser* in view of U.S. Patent No. 4,180,464 to *Beane* or U.S. Patent No. 3,830,373 to *Sixt et al.* This rejection is now moot in view of the cancellation of these claims herein and, thus, withdrawal of the rejection is appropriate.

**Rejection of Claims 6, 13 and 15-17 Under 35 U.S.C. § 103(a)**

Claims 6, 13 and 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over the references as applied to claims 1, 3, 5-9 and 11 above and further in view of U.S. Patent No. 4,094,790 to *Schmidt, Jr.* It is unclear exactly what teachings or how the cited references are being combined/asserted in support of this rejection since no particular rejection or combination of rejections set forth in the Office Action specify the rejection of claims 1, 3, 5-9

and 11. Nonetheless, since these claims have been cancelled herein, this rejection is now moot. Applicants request that the rejection be withdrawn or, alternatively, if the rejection is maintained or applied to the new claims, that each reference be specified and the rejection be provided in another non-final action.

**Rejection of Claims 1-5, 11, 13 and 14 Under 35 U.S.C. § 102(b)**

Claims 1-5, 11, 13 and 14 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,632,888 to *Chinn et al.* Applicants urge that this basis of rejection is now moot in view of the cancellation of these claims herein and request withdrawal of the rejection.

**Rejection of Claim 6 Under 35 U.S.C. § 103(a)**

Claim 6 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chinn et al.* Again, claim 6 has been cancelled in the amendment above and, thus, this rejection is now moot. Therefore, withdrawal of the rejection is appropriate.

**Rejection of Claims 8-10 Under 35 U.S.C. § 103(a)**

Claims 8-10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chinn* in view of *Strawser*. These claims have been cancelled herein and, thus, the rejection is now moot and should be withdrawn.

**New Claims**

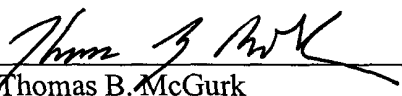
Claims 18-27 have been added to the present application in the amendment above and are patentable over the references cited in the present application. The claims are directed to a

temporary barrier for filtering silt and debris from run-off storm water entering a curb inlet and comprise, in part, a sleeve defining a portion of an elongated body and extending beyond the first and second ends of the elongated body to define first and second bags at the ends of the body and each of which are closed off from a support member comprising a part of the elongated body. None of the references, either singly or in combination, teach or suggest such a barrier. The “Curb Inlet Filter” document has been asserted as disclosing a structure forming a “bag,” but no temporary barrier structure having a bag closed off from the support member of the body of the structure as recited by the claims is taught or suggested by the document. *Strawser* was cited in the Office Action as disclosing ends of a filter device weighted with sand bags, but the sand bags are separate from the filter medium and are not attached to or part of the filter device. Thus, it is submitted that the cited references do not teach or suggested the invention as set forth in the currently pending claims. Additionally, none of the other references teach or suggest any sort of elongated body having a bag extending from an end thereof. Consequently, Applicants therefore submit that these claims are patentable and request prompt notification thereof.

### CONCLUSION

Applicants submit that the present application is in condition for allowance and request notification to that effect. Claims 18-27 remain pending in the application. If the Examiner believes that any issues remain unresolved, Applicants invite and urge the Examiner to contact the undersigned counsel.

Respectfully submitted,



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Docket No.: **S146 1070.1**